

Appln. No. 10/748,047

Attorney Docket No. 5709-168

II. Remarks

Claims 1 through 20 are pending in the application. Claims 1 and 8 through 15 have been amended. Claim 21 has been added. No claims have been cancelled. Accordingly, twenty-one claims are pending and under consideration.

Rejections Under 35 USC § 102

Claims 1 through 20 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 5,783,312 issued to Laughman, et al.

Laughman et al. disclose a resilient, extruded sealing product having a U-shaped channel and tubular or cylindrical sealing member attached thereto. The U-shaped channel contains an elongate metal reinforcing strip having a uniform pattern of slits and slots. The metal strip is coined to increase the separation between the walls of the slots and to provide left and right longitudinal strips having reduced thickness.

The Examiner asserts that Laughman et al. render the present claims anticipated under 35 U.S.C. §102(b). Applicant's attorney vigorously disputes this characterization and conclusion. Laughman et al. teach transverse, i.e., left and right, regions of distinct flexibility as evidenced by the additional slits 42 on the lower portion of the metal reinforcing strip illustrated in Figure 3. This additional flexibility proximate the outer (thinner) spline 46 facilitates bending and mounting the weatherstrip 10 on a curved structure with the tubular portion 16 on the outside of the curve and the outer (thinner) spline 46 on the inside of the curve. See Figure 1.

By way of contrast, Applicant's invention, as recited clearly in as filed claims 8 and 15, relates to longitudinally distinct regions of flexibility of a metal insert of a weatherstrip. These distinct regions of flexibility are sized (longitudinally) and located to conform to particular regions of a motor vehicle door or window corresponding to curved or straight regions. As the text in paragraphs 31 and 32 of Applicant's disclosure relating to manufacture of the weatherstrip 20 makes manifest, it is necessary that the regions of increased and reduced flexibility (or rigidity) be known or detectable in order that they may be properly, longitudinally located along a particular length of weatherstrip to correspond or align with curved and straight regions of a door or window weatherstrip installation, respectively. Laughman et al.

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clearly does not suggest, much less disclose, longitudinally alternating regions of distinct flexibility. Accordingly, a rejection under either 35 U.S.C. §102(b) or 103(a) is not well taken.

Nonetheless, Applicant's attorney has carefully reviewed the pending claims of the present application and has undertaken certain amendments to the independent claims of this patent application to more particularly point out and distinctly claim the subject matter Applicant regards as the invention.

Additionally, the preambles of claims 9 through 14 have been revised in order to achieve consistency with the corresponding language of independent claim 8 from which they depend.

Finally, claim 21 has been added which depends from claim 8 and is directed to the substantially uniform flexibility of the first and second regions along their lengths.

In view of the foregoing amendments and arguments, it is submitted that claims 1 through 21 are neither anticipated nor rendered obvious by the Laughman et al. reference.

Applicant's attorney has also reviewed the Mizuno et al., King, Bright, Hayashi, Bright et al., Bonds and Elvira references. These references all teach a weatherstrip or reinforcement which is longitudinally uniform. None of these references teach a weatherstrip having alternating longitudinal regions of distinct rigidity or flexibility which correspond to regions of the weatherstrip which will be curved or remain straight when it is installed in a vehicle door or window. Accordingly, further study and analysis of these references will be deferred until such time as they are either cited and applied by the Examiner or their increased relevance becomes apparent.

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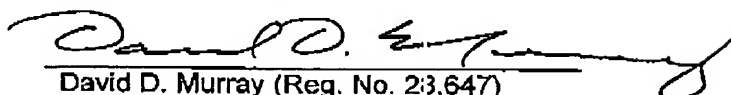
SUMMARY

Pending Claims 1 through 21 as amended are patentable. Applicant respectfully requests the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

Oct 7, 2005

Date


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